

Water Rights Advisory Work Group – September 9, 2013

Introductions – Tracie Donnelly, Iliana Delgado, Amy Settemeyer, Robin Smith

Water Right Section Update – Tracie Donnelly

New Staff:

Becky Kurka – WR database

Donald Carter – COO

Michael Garner – Contractor

Michelle Desormeau – Contractor

Vicky Wu - Contractor

Upcoming item on Commissioners Agenda:

Lake Ralph Hall consideration of the administrative law judges proposal for decision and Order regarding Upper Trinity Regional Water District Application for water use permit no. 5821 to authorize Lake Ralph Hall. Scheduled to go before the Commission on September 24th.

Watermaster Update – Amy Settemeyer

Last week at Commissioners Agenda TCEQ presented the evaluation for the Trinity-San Jacinto and Coastal Basins. Recommendation to not create a watermaster for these areas;

Upcoming evaluations this year for the Sabine and Neches River Basins and the Neches – Trinity Coastal Basins;

Brazos Watermaster Petition Hearing will be held the week of September 23rd in Austin;

Rio Grande Watermaster Rule Revision for removing the one year limitation for contacts is still ongoing, the public hearing is tomorrow (September 4th) in Harlingen and the comment period will end September 16th. The adoption agenda will be November 6th.

Senate Bill 3 Update – Tracie Donnelly

The 3rd SB3 environmental flows rulemaking for the river basin and bay systems consisting of the Nueces River, Corpus Christi Bay, Rio Grande, Rio Grande estuary, the lower Laguna Madre, the Brazos River and its associated bay and estuary system went before the Commission and it was recommend for adoption on September 4th;

Publication of notice date is September 20th;

Public hearing is scheduled for October 15th;

Comment period will close October 21st;

Adoption agenda is scheduled for February 12, 2014.

Commission Actions Update – Robin Smith

Three executive director emergency orders (Commission Orders) have been issued since the last WRAWG meeting:

- 1 – Dow curtailment order issued by the ED on July 1st. Commission approved the order July 26th;
- 2- LCRA emergency order to continue to not meet the 2010 releases for the irrigators;
- 3- ED issued a San Saba curtailment order which will be on the October 9th agenda for Commissioners consideration.

Farm Bureau case – Not an agenda item yet

The ED issued a DOW suspension order from a senior call in November 2012. In December 2012, the Farm Bureau sued TCEQ for issuing that order arguing that the rules, chapter 36, we used to based that order on were invalid. On June 6, 2013 the trial court ruled against the TCEQ with a summary judgment which said the chapter 36 rules were invalid. TCEQ appealed the judgment on June 21st to the Court of Appeals and because TCEQ is an agency we believed we did not have to issue a bond in order to stay the judgment at the trial court and the Farm Bureau filed a motion against TCEQ on that to prevent suspension of judgment. An evidentiary hearing was held in trial court on August 12th and evidence showed that the Farm Bureau had waived an evidentiary hearing and that the suspension should be allowed and deny the motion. The case is back in appellate court and TCEQ is filing arguments as to whether the appeal should be expedited.

Closing

Next meeting is scheduled for December 2nd.

Comments and topics for discussion can be emailed to Sarah Henderson or Sonia Crawford.